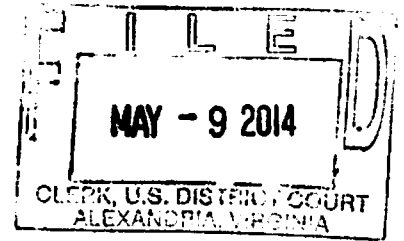


**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**



**SANDRA BERRIOS,**

**Plaintiff,**

**v.**

**Civil Action No. 1:14CV515-GBL-IDD**

**RECEIVABLES PERFORMANCE  
MANAGEMENT, LLC  
SERVE: CT Corporation System  
*Registered Agent*  
4701 Cox Road, Suite 285  
Glen Allen, VA 23060**

**Defendants.**

**COMPLAINT AND DEMAND FOR JURY TRIAL**

**INTRODUCTION**

1. This is an action seeking actual and statutory damages arising from Defendant's unlawful attempts to collect a delinquent consumer debt allegedly owed by Ms. Berrios. Ms. Berrios alleges that Defendant, a debt collection company, used false, deceptive, and misleading representations in the collection with the collection of a debt and/or used unfair and unconscionable means to collect a debt, including attempts to collect amounts not expressly authorized by the agreement creating the debt or permitted by law. Defendant's conduct violated the Federal Fair Debt Collections Practices Act ("FDCPA"), 15 U.S.C. §§1692 et seq.

**JURISDICTION**

2. This Court has jurisdiction pursuant to 28 U.S.C. § 1331, and the FDCPA, 15 U.S.C. §1692k(d).

**PARTIES**

3. Plaintiff, Sandra Berrios (“Ms. Berrios”) is a natural person who resides in Virginia. Ms. Berrios is a consumer within the meaning of the FDCPA, as defined at 15 U.S.C. § 1692a(3).

4. Defendant Receivables Performance Management, LLC (hereafter, “Defendant” or “RPM”) at all times relevant hereto, is and was a foreign limited liability company, engaged in the business of collecting debts within the Commonwealth of Virginia.

5. Defendant regularly collects or attempts to collect debts owed or due or asserted to be owed or due another, and is a “debt collector” within the meaning of the FDCPA, as defined at 15 U.S.C. § 1692a(6).

#### **STATEMENT OF FACTS**

6. On or around May 23, 2013, Defendant mailed correspondence to Ms. Berrios attempting to collect a debt.

7. In its correspondence, Defendant indicated that Ms. Berrios that the total amount due was \$1159.87, which included a collection fee in the amount of \$176.93 and a purported principal balance in the amount of \$982.94.

8. Ms. Berrios did not owe these amounts. Instead, the balance was the result of the original creditor, AT&T, billing Ms. Berrios for services for an iphone, which she never had.

9. In addition, Defendant’s attempt to collect the “collection fee” violated the FDCPA because even if the account was lawfully forwarded to collections, it was not allowed to collect such amounts under the original agreement between Ms. Berrios and the original creditor.

#### **RPM is a Debt Collector**

10. RPM is a debt collection company whose practice is focused on the collection of debts.

11. RPM regularly collect consumer debts.

12. RPM regularly demands payment from consumers of claimed delinquencies and acquires delinquent consumer accounts for the sole purpose of collecting the underlying debt.

13. RPM regularly tell consumers in correspondence that “this is an attempt to collect a debt and any information obtained will be used for that purpose” and/or that the communication is from a debt collector, the disclosures that the FDCPA, at 15 U.S.C. § 1692e(11), requires that debt collectors provide in all written communications (other than a formal pleading) sent “in connection with the collection of any debt” (“the § 1692e(11) disclosure”). It did so as to Plaintiff.

14. RPM regularly attempts to provide the verification of debts required by the FDCPA, at 15 U.S.C. § 1692g(b), upon written request from consumers.

15. As a result of the acts and omissions of the Defendant, Ms. Berrios suffered actual damages and injury, including but not limited to, emotional distress, mental anguish and suffering, loss of peace of mind, and embarrassment.

**Count I: Violations of the FDCPA, 15 U.S.C. § 1692e**

16. The foregoing allegations of the Complaint are incorporated by reference.

17. RPM violated 15 U.S.C. § 1692e, including but not limited to § 1692e(2) and § 1692e(10) by falsely indicating the character and amount of the debt purportedly owed by Ms. Berrios, and by falsely and deceptively claiming that Ms. Berrios owed collection fees that it was not able to collect by law.

18. As a result, Ms. Berrios is entitled to recover statutory damages, actual damages, reasonable attorney’s fees, and costs against Defendant pursuant to 15 U.S.C. § 1692k.

**Count II: Violations of the FDCPA, 15 U.S.C. § 1692f**

19. Plaintiff realleges and incorporates all other factual allegations set forth in the Complaint.

20. RPM violated 15 U.S.C. § 1692f(1) through its attempt to collect amounts not permitted by law.

21. As a result, Plaintiff is entitled to recover statutory damages, actual damages, reasonable attorney's fees, and costs against Defendant pursuant to 15 U.S.C. § 1692k.


**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff requests that the Court grant the following relief:

1. Award Plaintiff's actual damages;
2. Award Plaintiff's statutory damages;
3. Award Plaintiff's reasonable attorney's fees;
4. Award Plaintiff's costs;
5. Such other relief as may be just and proper.

**TRIAL BY JURY IS DEMANDED**

Respectfully submitted,  
SANDRA BERRIOS  
By Counsel

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